Office Supreme Court, U.S.
MAR 2 1963
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

October Term, 1962

No. 616

DUNCAN MILLER,

Petitioner,

vs.

STEWART L. UDALL, Secretary of the Interior,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

PETITION FOR REHEARING.

DUNCAN MILLER,
Box 728
Boulder City, Nevada,
Pro Se.

Parker & Son, Inc., Law Printers, Los Angeles. Phone MA. 6-9171.

SUBJECT INDEX

Question presented: Public domain "controlled by any device," who is "first qualified applicant" under Federal Mineral Leasing Act, Section 15 applying Section 27 1

Opinion below 2

New anti-trust points 3

Reasons for granting writ 5

Conclusion 16

TABLE OF AUTHORITIES CITED

CASES

	PAGE
Jones v. Securities Commission, 298 U. S. 1	11
Mammoth Oil v. United States, 275 U. S. 13	5
Pan American v. Pierson, 181 Fed. Supp. 557	15
Pan American v. United States, 9 F. 2d 761	17
Pan American Petroleum v. Pierson, 284 F. 2d 649	13
Thor-Westcliffe Development v. Stewart L. Udall, Secy. of Int., et al., Appeals Court No. 17,101	12
United States v. Keitel, 21 U. S. 370	6
United States v. Mammoth Oil, 5 F. 2d 348	4
United States v. Mammoth Oil, 14 F. 2d 705	13
United States v. National Retail Lumber Dealers Assn., 40 Fed. Supp. 448	5
United States v. Pan American Pet. Co., 6 F. 2d 43	12
United States v. Trinidad Coal & Coking Co., 137 U. S. 160	6

STATUTES AND REGULATIONS

Mineral Leasing Act of 1920, as amended, Sec. 17 (30 U. S. C. (1958 Ed.), Sec. 226)	3, 4, 18
Mineral Leasing Act of 1920, as amended, Sec. 27 (30 U. S. C. (1958 Ed.), Sec. 184)	3, 4, 18

DEPARTMENT OF INTERIOR DECISIONS

Hagood v. Miller, I. D. Decision No. A-2760	6, 7
Kruger, Max L., 65 I. D. 185	8
Machris v. Brown, 63 I. D. 163	8
Moore, Wm. D., 65 I. D. 227	8
Stevenson, Albert v. Alexander S. Dunham, Decision a-27953 decided June 30, 1959	10
Memorandum Opinion 33846, 59 I. D. 5	4

PAGE

MISCELLANEOUS

American Mercury Magazine (April, 1962) 7

Hearings by sub-committee of Committee on Interior and Insular Affairs, U. S. Senate, 84th Cong., Sept. 20 to Oct. 1, 1956, U. S. Govt. Printing Off. 87402 ..... 8, 13

Hearings on S. 1670 (in 3 parts) by sub-committee on public lands of the Committee on Interior and Insular Affairs, U. S. Senate, 86th Cong., June 19, 1959, etc., U. S. Govt. Printing Off. 42338 ..... 8, 13

House Report 1258, 86th Cong., 2d Sess., p. 27, Congressional hearings on television 3

House sub-committee investigation of television quiz shows hearings, Govt. Printing Office 1960 hearings, pp. 452-453, U. S. Cong., 86th, 1st Sess. 3

JFK State of the Union (1963) 17

Khrushchev 1, 17

Roosevelt, Pres., Attitude on Sherman Anti-Trust Law 12

IN THE

Supreme Court of the United States

October Term, 1962
No. 616

DUNCAN MILLER,

Petitioner,

vs.

STEWART L. UDALL, Secretary of the Interior,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

PETITION FOR REHEARING.

Petitioner respectfully applies herewith for a rehearing of the order of this Court, dated January 21, 1963, denying the petition for a writ of certiorari to the United States Court of Appeals for the District Court of Columbia Circuit.

As grounds for this request petitioner states as follows:

"Khrushchev" could have asked the respondent (during their recent meeting in Russia) if it were true that by "rigging" or through "rigging" one American citizen could succeed or prevail over another and be considered "qualified" to so prevail under public land laws of the United States. The answer would have to have been an unqualified "yes", as the rulings in this case

now stand. This is the primary importance or necessity of the review of this question. The Court below found:

> "Under land office regulations in effect during the time of appellant's various applications, when an existing lease was either cancelled or relinquished the land became subject to the filing of new lease offers as soon as the cancellation or relinquishment was noted on the tract book of the United States land office in the particular area. This notation in the tract book always occurred during the hours when the land office was closed to the public, usually between the time the office closed at 3:00 p.m. the day of relinquishment or cancellation and 10:00 a.m. the following morning when the office reopened. Interested parties could not learn of the relinquishment until they had opportunity to examine the tract book. But the relinquishing lessee in each case involved here filed an offer for the *relinquished lease within minutes* after the land office opened on the morning of or the morning following the tract book notation. *Other potential applicants* for the leases were thus *effectively prevented from receiving* notice that the leases were again open to public offering.
>
> "The Secretary of the Interior has recognized the *vice of the old practice* . . ." (Emphasis supplied.)

In some instances the filing was at 10:00 a.m., the moment of the opening of the land office the following morning.

The Appeals Court has drawn or projected a negative of a "rigging" but has begged the question of developing any picture.

New antitrust points of law previously not considered are found in the substance of the following:

> "The staff of the FTC conducted its inquiry on the premise that a 'rigged' television quiz show was an unfair or deceptive act or practice in commerce and an unfair method of competition under *section 5 of the Federal Trade Commission Act.*" (Emphasis supplied.) (From Congressional hearings on television. Ref. H. Repts. 1258, 86 Cong., 2nd Sess., p. 27.)

Particularly applicable to this case is the foregoing when one considers Section 27 of the Mineral Leasing Act of 1920 as amended, Title 30, U.S.C. (1958 Ed.) Sec. 184. The concluding part of this Section specifically prohibits monopolization by "device and combination". A good definition of "rigging" can be found in the testimony taken in the Congressional hearings entitled "An Investigation of Television Quiz Shows":[1]

> "I think it is fair to say that any process by which a contestant is given an advantage over another known by the staff which produces the show, is rigging . . . Any possibility . . . (that) one contestant, by the aid of the production staff, is able to give one contestant an advantage over another contestant, that process is rigging."

---

[1]U. S. Congress, 86th, 1st Sess., House sub-committee investigation of television quiz shows hearings, Government Printing Office 1960 hearings, pp. 452-453.

Under Section 17 of the said Mineral Leasing Act it is provided that the first qualified applicant be granted a lease. This Section also puts limits on terms of leases (10 years) and when interpreted in conjunction with monopoly provisions of Section 27 of the leasing "Act" does support petitioner's contention that he was the first "qualified".

Another good definition of "rigging" is:

> "A 'faked up' transaction instead of one in regular course of business." *United States v. Mammoth Oil*, 5 F. 2d 330, p. 348.

Not considered by Court below was *Key-stone*/Section 27, *supra*.

> "The manifest design of Section 27 as amended is to prevent monopolistic control over the oil and gas deposits in public domain. 56 Interior Decision 174 (1937), 52 Land Decisions 359, 361 (1928). "The longer the period of possible control the greater the likelihood that this monopolistic evil will be spawned." M-33846 59 Interior Decision-5. Page 6, Par. 3—Page 7, Par. 2.

Monopoly evils are something similar to an overloaded python's digestive tract to the oil business. Monopolistic control of public domain oil and gas leases in some instances was by the same companies who pursued "imports" which stagnated the domestic industry; such glutting was also done with strawmen (see hearings Albuquerque, New Mexico, *infra*). Respondent's brief in opposition airily concedes that the device was practiced for the purpose of extending control over public lands.

Government antitrust actions have been taken recently against numerous oil companies; Section 27 is antitrust in both letter and purpose.

> "The essential characteristic of a monopoly is wrongful exclusion of competitors from the field." *United States v. National Retail Lumber Dealers Assn.*, 40 F. Supp. 448, citing *United States v. Socony-Vacuum*, 60 S. Ct. 845.

There were two distinct but allied propositions and questions involved in the two cases (16,373 and 16,374) which were split up and disengaged from the original action in the District Court by reason of an unauthorized stipulation entered into by petitioner's attorney with respondent's officers, but the Court below completely ignored 16,374 dealings with the *alter ego* "question".

Inconsequential are the economics of this matter. The leases are only a drop in the adverse lessess' "barrel of leases". Involved are a few non-competitive oil and gas leases in wild-cat areas. A majority of the leases have been dropped from consideration by petitioner's voluntary abandonment, as originally listed in the District Court action.

> "The injured party must make up his proof out of a chain of circumstances. . . . "THE QUESTION IS WHETHER THE DISCLOSED CIRCUMSTANCES PROVE THE CHARGE" . . . *"Mammoth Oil v. United States*, 275 U. S. 13-25, 36."

The history of this Court shows decisions on coal land entries, homestead entries where similar schemes were used to circumvent the law.

> "The Court held that the scheme was in violation of the coal statute. . . ."
>
> *United States v. Trinidad Coal & Coking Co.*, 173 U. S. 160 (1890).

This was followed in *United States v. Keitel*, 211 U. S. 370 (1908).

The case at bar is apparently the most important of the above nature concerning monolpoly schemes in public lands since the turn of the century which this Court has had an opportunity to review.

Respondent's brief cites as authority the so-called decision of the "Secretary" No. A-2760 but it and the brief ignore the controlling "rigging" point.

The District Court recognized monopoly. It said, at oral argument, on ifs judicial review in this matter:

> "They couldn't get knowledge in this case. Because it was 3:01 and 10:01, wasn't it, and the office is closed in the meantime?
>
> "So there is no public notice."

Decision by the adjudicator in the Santa Fe district land office dated May 8, 1957, concerning leases here in question stated:

> "Thus, in accordance with Section 17 of the Mineral Leasing Act of February 25, 1920, as amended, the offeror of lease offers New Mexico 031471 and 031472 is entitled to leases by *virtue* of being the first qualified applicant eligible to

hold a lease or leases under the Act. Consequently, the filed protest is dismissed as being without merit." (Emphasis supplied.)

Notwithstanding its adverse decision, the court below did find merit in the protest, when it characterized this procedure as a *vice*.

The mock-up administrative decision No. A-2760, *supra*, concerns L. N. Hagood, Wyoming oil operator on public lands. This gentleman in his article in "American Mercury" of April 1962 entitled "National Oil-Lease Lotteries" alludes to the Secretary as being naive and unaware of realities. Excerpts are:

> "As in all rigged games there is a system among smart operators. . . .
>
> "Nevertheless, enterprising lease brokers, promoters, speculators and others are accused of such illegal practices by the use of secret 'dummy' lease applicants for their benefit. The land office people say they are overworked in handling the monthly deluge without trying to be G-Men or doing the police work necessary to catch the culprits.
>
> "Uncle Sam . . . also allegedly *winks at questionable practices of some of his thousands of customers.*" (Emphasis not supplied.)

While it is true officers of the Secretary in some instances may be winking at questionable practices this petition has the gravamen; will not the judicial arm of government in its capacity as "Uncle Sam", curb these "officers"? Are they not plainly wrong, arbitrary and capricious in refusing to recognize qualified statutory rights (Sec. 17 supra) as opposed to a

competing right initiated by *"controlled device"* prohibited by statute. (See. 27 supra)?

Where is the line drawn? . . . Under conditions sustained here is not honesty the policy of a fool? Moreover, a bewildered fool, since the "Leasing Act" prescribes that applicants must act "honestly and in good faith."

Why the respondent's brief is so confused and obfuscating on the "Tract Book Rule" is most astonishing. Previous Departmental decisions are crystal clear in condemning "rigging"; for example, in Kruger, 65 I.D. 185, at page 191:

> "The overriding objective of the rule has been to assure to all the public equality of opportunity to file. . . .
>
> "This would give an unfair advantage . . . those who relied on the *Tract Book* would have *no notice*. . . . The fact is the Department has said the *Tract Book* is the record which will be determinative of whether land is *open* to filing." (Emphasis supplied.)

In *Machrix v. Brown*, 63 I.D. at page 163 and 65 I.D. at pages 227, 229, it is succinctly stated as above.

Wake-like Congressional hearings held on public lands show incredible corruption of the "public interest," particularly—hearings[2] on a bill to do equity to homesteaders in Alaska, also hearings held in Al-

[2]Hearings on S. 1670 (in 3 parts) by sub-committee on public lands of the Committee on Interior and Insular Affairs, United States Senate, 86th Cong., June 19, 1959, etc., U. S. Govt. Printing Office 45228.

buquerque, New Mexico, in October, 1956,[3] the latter containing testimony of carte blanche raiding of the public domain with dummy and straw-men in disregard of the statutory limitations. The testimony in the Alaska hearings is replete with factual statements describing conditions in which the general public were treated as second class citizens, with special interest proclivities depicted. However, these citizens were hardy pioneers, showing Frontier spirit; they were vociferous in urging their rights.

The Los Angeles District Land Office had even worse conditions since millions of dollars were taken from the public in the filing on their behalf of futile desert land entries by unscrupulous "land locators" who capitalized on this office's administrative indifference to the "public". Meanwhile, the manager's son during a part of that time was the key figure who utilized the Tract Book records on a preferred prerogative basis before the public could see them. In several of the leases in question he is involved as well as his principal.

While some of the material herein might seem to be of a carping nature, nevertheless the facts are necessary for the Court's full edification and decision, basic under the constitutional right of petition.

It is not the intention to clothe this case with the full import of cited cases. A "game" is one description of the "oil business". It will seem a calculated gamble was taken by the adverse lessees herein that no

[3] "To Investigate Observance or Non-Observance of the Acreage Limitations of the Mineral Leasing Act" Hearings by subcommittee of Committee on Interior and Insular Affairs, United States Senate, 84th Congress, Sept. 20 to Oct. 1, 1956, U. S. Govt. Printing Office 87402.

qualified applicant would apply for a lease before their leases were issued. In several instances such leases were issued prior to the filing of the second application which was withdrawn pursuant to I.D. A-27953 — *Stevenson v. Dunham, infra.*

The Secretary's officers have not responded to the issue: That these leases were appropriated on a special interest dominion basis while as a matter of law and right the lands involved were vacant unappropriated public domain of the United States subject to leasing under the Mineral Leasing Act of 1920 as amended Title 30 U.S.C., Secs. 181 to 226—subject to the filing of a qualified application.

> "If the Department determines to lease a tract of public land not within any known geological structure of a producing oil and gas field, Section 17 of the Act imposes upon it a mandatory duty to lease the land to the first qualified person who files a proper application for it." *Transco Gas and Oil Corp.* 61 I.D. 85 (1952).
>
> "For example, if a noncompetitive oil and gas lease is issued to some person other than the first qualified applicant in violation of the priority provided for in Section 17 of the Mineral Leasing Act (30 U.S.C., 1946, ed., sec. 226) . . . the lease must be canceled and a new lease must be granted to the qualified person who filed the first application . . ." 2—From Decision A-27953 Decided June 30, 1959 (*Albert Stevenson v. Alexander S. Dunham*). (Not reported.)

Even for trivial reasons Secretary's officers have consistently followed the above. (See *Fenlon B. Boesche et al. v. Udall*; No. 332, this court, cert. granted.)

In the Los Angeles land office this petitioner recently had an oil and gas application rejected for the same issue (43 C.F.R. 192.42(d)(2).) In the *Boesche* case, however, it was even more inequitable as surrounding land was not reasonably available for leasing, being in prior applications along with one of petitioners. Meanwhile a second application was filed by the person referenced as managers' son, *supra*; thus full circle runs the paradox.

Capriciousness of an arbitrary nature is apparently recognized by the Court in the granting of certiorari in 332. Reviewing that case without this will frustrate the court's judgment since involved here is not only arbitrary capriciousness but the affirmance of an incredible proposition.

> ". . . this shall be a government of laws, — because to the precise extent that the mere will of an official or an official body is permitted to take the place of allowable official discretion or to supplant the standing law as a rule of human conduct, the government ceases to be one of laws and becomes an *autocracy* . . ." (Emphasis supplied.) *Jones v. Securities Commission*, 298 U. S. 1, pages 23, 24.

When the game is on the square Americans do not complain of losing, but they become incensed when losing to an opponent who has a "fixed" advantage. The judiciary in the latter case constitutes the only pro-

tector of the American way of life, without the aid of which something which is the very essence of being an American is destroyed.

> "These lands are held in trust for the United States and the trustees—that is, the public officers who administer and control them—can do so only for the public welfare and in a manner designed to preserve the integrity of the government." *United States v. Pan American Pet. Co.*, 6 F. 2d 43—p. 55.

The Court can well take judicial notice that many of the general public have a conception of government, heightened by recent disclosures in the Agriculture Department, indictments of Congressmen, Federal Communications scandals, and the frauds in public lands as cited herein, that is cynical and distrustful towards segments of the other two branches of government, but as far as the federal judicial arm, particularly this Court, these same people, including petitioner have an abiding respect, confidence, esteem and even reverence greater than people in any time have had for a ruler or body of rulers.

In a case decided a few weeks ago, No. 17,101 *Thor-Westcliffe Development, Inc. v. Stewart L. Udall, Secy. of the Interior, et al.*, the Court below now recognizes "* * * corruption of Land Office employees" and cites this case as well as *Signal Oil and Gas Co.*, Interior Dept. No. A-28626 (1961); *Margaret A. Andrews, et al.*, 64 I. D. 9 (1957).

President Theodore Roosevelt's views on monopolies were sharply pertinent to this case:

"The true way of dealing with monopoly is to prevent it by administrative action before it grows so powerful that even when courts condemn it they shrink from destroying it. The Supreme Court in the Tobacco and Standard Oil cases, for instance, used *very vigorous* language in condemning these trusts; but the net result of the decision was of *positive advantage to the wrong-doers,* and this has tended to bring the whole body of *our law into disrepute* in quarters where it is of the very highest importance that the law be held in respect and even in reverence." (Emphasis supplied.)

The above language fits perfectly the case on review. See:

"Is a Court compelled to close its eyes to these circumstances? . . ." *United States v. Mammoth Oil,* 14 F. 2d 705, 729.

Unquestionably, the Secretary and the Director of the Bureau of Land Management are men of the highest ideals and character.

In the comparable Alaska situation above referred to, the Director and Secretary sponsored ameliorating legislation. Exposures from the New Mexico hearings resulted in the Department and the Bureau instigating complaints involving 517 federal oil leases on the grounds of fraudulent acquisition. However, the Secretary and the Director were frustrated by the Federal judiciary, by the decision in *Pan-American Petroleum v. Pierson,* 284 F. 2d 649. Acquisition of 517 fraudulent leases as charged in the complaints perhaps comprised only a fraction of leases acquired in this

manner. These frauds are distinguished: there, no qualified applicant's rights were directly taken away. Here although *per se* these rights are insignificant, as an element or principal in government under law they set a standard for the "free world."

"We know that a new world order is in the making.

"A world without law is hell-bent for destruction, with, or without scientific discoveries. . . .

". . . The law lags behind until crisis stirs it into action . . ."

Chief Justice Warren—Georgia Tech, Feb. 12, 1963

Presented here is the proposition or question, is one applicant for public land under public lands laws of U. S. "qualified" over another applicant when he files application through an exclusive "rigging" practice.

"In layman's language law is the prediction of what will happen to you, if you do certain things, this was a lesson Holmes' taught, and every lawyer on reflection knows that it is sound."

Justice William O. Douglas.

Its Brochure of May, 1960, describes the Bureau's operations with land law examiners:

"This often complex process—called adjudication—involves determinations of rights and privileges under the Nation's body of public land and mineral law. The lands and resources involved often have great value—to the people who are seeking to use or acquire them and to all of the American

people whose interest the Bureau of Land Management serves."

"Land Law Examiners work with applications for the use and acquisition of public lands and resources. In one recent year BLM Land Offices adjudicated over 175,000 cases . . ."

"If you become a Land Law Examiner you will be required to review these various types of applications. Using guidelines, you will determine whether or not the application should be approved or rejected and prepare a formal statement (called a *Decision*) based upon your determination."

Hence "determinations" by a lower echelon bureaucrat can control an American's destiny.

Imperative, therefore, is this Court's guide-line since it is clear in this case privilege is granted based on a repugnant proposition, over a lawful right:

"Clearly the supervisor for the State of Wyoming, Bureau of Land Management Department of the Interior, is the arm or alter ego of the secretary."

Pan American Co. v. Pierson, 181 Fed. Supp. 557, p. 564.

Unprecedented is the following from Carson City (A. P.) February 5, 1963: "the Nevada Senate passed a resolution containing a sweeping indictment of the Federal Bureau of Land Management and U. S. Interior Secretary, Stewart Udall, the Secretary was called "capricious".

Respondent Secretary is well known to the public, and has captured their interest because of his vigor, noble character, achievements as athlete, naturalist, and statesman. Realistically he is respondent in name only, in effect a captive of his own lower echelon system. Thus his great promise is unfairly handicapped.

The question is, then, why has there been so much corruption of the public interest in public lands? The answer may be found in improper delegation of authority superimposed on a system which will not tolerate any reversal of lower echelon bureaucratic decisions. In history's final analysis, the fault must not be found to lie with the federal judiciary for failing to impose the necessary curbs, in the actions remedial. Also, respondent's brief refers to the discretionary power of the Secretary; however, there's a rub; cited as decisions of the Secretary are what were in effect the decisions of the local land law examiners or adjudicators in the District Land Offices,[4] also the Hagood administrative decision, *supra*, was by a deputy solicitor as "acting solicitor" whose delegation of authority was highly irregular.

Delegated to him from a prior administration was the authority of the solicitor, which was delegated to the deputy solicitor by an acting solicitor.

> "It is not necessary that the Government should be subjected to property or pecuniary loss by the fraud, but only that its legitimate, official action and purpose shall be defeated by *misrepresentation*,

---

[4]On appeal, reversal is obtained at the Bureau or Departmental level only once in a "blue moon".

chicane or the overreaching of those charged with carrying out the Governmental intention." (Emphasis supplied.) *Pan American v. United States*, 9 F. 2d 761—page 771 (4).

It may be asked, "What in the world does 'Khrushchev' have to do with this matter?" Obviously, while he may press a button and destroy the civilized world, he dare not! However, the propaganda line of his agents throughout the world undermines the capitalist system and in essence their lies are that our system is "rigged" for the benefit of special interest.

This is not Russia, indeed and a citizen's rights in the public domain under public land laws distinguishes the ideologies from the beginning. Petitioner's right to be heard by this court distinguishes the individual in the noblest sense. It would have been facetious for the respondent to ask Khrushchev the fate of a Russian citizen who dared question the ruling of one of his administrators.

Correcting feudal systems in South American while sustaining them here would seem to be at cross purposes.

> "We will be judged by what we do here rather than what we preach abroad." JFK, State of the Union, 1963.

Television is further cited as authority. In old movies with stories of the public lands schemes such as involved here never succeed. Uncle Sam always in the nick of time sees that justice is triumphant "in the end".

Although respondent's brief has been contending the point of "indispensable parties" none of them has intervened and the reason is obvious, while petitioner has

a silent intervenor, *amici curiae,* "Uncle Sam" who surely is not pleased with the proceedings. This honorable Court in the hearts of the people is the highest ennoblement of Uncle Sam.

Although the court below deliberated a length of time greater than its wisdom had been given to other cases in recent history, the opinion rendered leaves the public interest along with the proposition in an indefinite *cul-de-sac.* Therefore review is impelled, with opinion of this court affirming or reversing the court below, but on a basis which may be relied.

An opinion by this court would negate the pressures inimicable as posterity might contemplate the decision under review. . . .

> "The essense of our free government is 'Leave to live by no man's leave, underneath the law'. — To be governed by those impersonal forces which we call the law."
>
> Justice Jackson — Steel seizure case.

The decision below while drawing up a blueprint of special interest "vices" and corruption of Land Office employees has begged building the necessary, justifiable decision; moreover, the decision below is at war with the plain language of Sections 17 and 27 of the Mineral Leasing Act of 1920 as amended, decisions of this Court, courts below and Interior Decisions. The need for reviewing and resolving such conflicts, particularly where the integrity of the United States and the integrity of the Federal Judiciary's interest in protecting the public against corruption in their public domain are at stake, justifies the grant of certiorari.

Conclusion.

For these reasons, as well as those expressed in the petition for a writ of certiorari, the order denying the petition should be vacated and a writ of certiorari should issue.

Dated February 28, 1963.

Respectfully submitted,

DUNCAN MILLER,

Pro Se.

Certificate.

I hereby certify that the foregoing petition for rehearing is presented in good faith and not for delay and is restricted to grounds specified in Rule 58 of the Rules of this Court.

DUNCAN MILLER,

Pro Se.